HIGH COURT OF UTTARANCHAL AT NAINITAL
Criminal Misc. Application No. 560 of 2004

1. Shamim Ahamad S/o late Shri Ghasita
2. Attaur Rehman S/o Shamim Ahamad
3. Razakur Reheman S/o Shamim Ahamad
   All R/o village Kukrramandi
   P.S. Nai Mandi
   District Muzzafar Nagar, U.P. .....Applicants

Versus

1. State of Uttaranchal
2. Ist Addl. Civil Judge (J.D.)
   Roorkee, District Haridwar
3. Hazzi Shamshad Ali
   S/o Shri Abdul Hamid
   R/o Mohalla Saravgyan, Manglaur
   P.S. Manglaur
   District Haridwar .....Respondents

Hon'ble J.C.S. Rawat, J.

Heard Sri Rajendra Singh learned counsel for the applicants and learned A.G.A. for the State.

This is a petition under section 482 Cr.P.C. with the prayer to quash the chargesheet in case crime No.154/2004 under sections 498-A, 323, 506 IPC & 3/4 Dowry Prohibition Act and to set aside the order dated 29.10.2004 passed by the learned Ist Addl. Civil Judge (J.D.), Roorkee, District Haridwar in criminal case No.729/2004.

It has been alleged in the petition that the marriage was solemnized between the applicant no.2-Attaur Rehman and Smt. Kamar Jahan-the daughter of the respondent No.3 on 26.5.2002 according to Muslim personal law and customs without any dowry. A complaint was given by the respondent No.3 to the S.S.P. Haridwar on 23.6.2004 and thereafter the FIR was lodged as case crime No.154/2004 under section 323, 498-A, 506 IPC and 3/4 Dowry Prohibition Act at

P.S. Manglaur. The I.O. has submitted the chargesheet and the case was registered as case No.729/2004 and the cognizance was taken against the applicants. Feeling aggrieved to the order of cognizance, the applicants have come up before this Court.

During the course of hearing, the matter was referred to the Magistrate Counseling Cell for the purpose of reconciliation vide this Court's order dated 08.12.2004. The parties have amicably settled the matter and an application to that effect were filed by both the parties alongwith the affidavits of Attaur Rehman and Shamshad Ali. Both the parties have stated in their respective affidavits they have amicably settled their disputes and entered into a compromise. The parties have filed the compromise petition before the family court and the trial court. The family court has disposed of the petition in terms of the compromise. The said compromise has been verified by the Magistrate concerned. No disputes at present persist between them and other family members.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B.S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277**:-

> "12. *The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.*
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> *13. The observations made by this Court, though in a slightly different context, in* ***G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693*** *are very apt for determining the approach*

required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."

Considering the above facts and the principles laid down by the Apex Court, the charge-sheet mentioned above and the proceedings in criminal case no. 729/2004 are hereby quashed. The petition is allowed accordingly.

(J.C.S. Rawat, J.)

Dated 08.06.2005

LSR